

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion into Competition for
Local Exchange Service.

Rulemaking 95-04-043
(Filed April 26, 1995)

Order Instituting Investigation on the
Commission's Own Motion into Competition for
Local Exchange Service.

Investigation 95-04-044
(Filed April 26, 1995)
**(FCC Triennial Review
Nine-Month Phase)**

**ADMINISTRATIVE LAW JUDGE'S RULING
REGARDING POST-HEARING SCHEDULE
AND ADMISSION OF LATE-FILED EXHIBITS**

This ruling memorializes the schedule for briefing and related matters for the hearings that have been conducted pursuant to the Federal Communication Commission FCC Triennial Review Order (TRO) Nine-Month proceeding. This ruling also disposes of pending motions for late-filed exhibits.

Briefing Schedule and Format

As determined during discussion with parties following formal adjournment of hearings on February 27, 2004, this ruling confirms and memorializes the schedule for briefs in this proceeding. Opening briefs shall be due on March 26, 2004, and reply briefs shall be due on April 14, 2004. Parties are directed to present their briefs utilizing a common briefing outline, in accordance with the format attached to this ruling. The adopted common briefing outline represents the format that parties have developed through

informal collaborative discussions. While parties are to adhere to the organizational sequence and numbering conventions of the common briefing outline in writing their briefs, parties are not precluded from adding relevant topics that may not be identified as explicit headings in the briefing outline.

Issue Comparison Exhibit

The active parties are directed to prepare a jointly sponsored Issue Comparison Exhibit (ICE), setting forth in a tabular matrix format each party's position with respect to each of the major issues in the proceeding. Parties were to submit by March 15, 2004, a preliminary list of issues/questions that they believe should be included in the ICE. The applicable issues/questions in the ICE should generally be organized in a sequence to conform to the common briefing outline topic headings, as discussed above. The Commission's Telecommunications Division shall serve a coordination role, as necessary, in finalizing the format of the common issues/questions to be included in the ICE. Each party shall retain control of the language used to communicate its position as set forth in the ICE. The final ICE, setting forth each party's position on each identified issue, together with applicable record references for further elaboration, shall be due on April 1, 2004.

Correction to Reporter's Transcript

If any party believes that the reporter's hearing transcript contains any errors, proposed corrections to the transcript should be submitted no later than March 26, 2004.

Admission of Post-Hearing Exhibits Into Evidence

Certain exhibit numbers were reserved for exhibits that were to be produced and/or substituted after the close of evidentiary hearings on February 27, 2004. This ruling disposes of the pending motions to receive the

post-hearing exhibits, as to move them into evidence, as noted below. (The “c” after the exhibit number indicates that the document contains information asserted to be confidential. Such exhibits shall be treated as confidential pursuant to the adopted protective order.)

Exhibit 30-C

Exhibit 30-C was reserved as a placeholder for corrections to Verizon’s cost study. Verizon subsequently provided a revised version of its Exhibit 30-C cost study. Verizon indicates that the redlined or highlighted version is the same as the clean version identified as Exhibit 30-C. Revised Exhibit 30-C is received into evidence.

Exhibit 68-C

SBC provided this post-hearing exhibit in response to MCI’s record request made on February 6th that SBC provide the supplemental data request response that was served on January 14, 2004. These documents are represented by the first two icons in SBC’s email transmission on March 1, 2004. The documents provided by SBC in its March 1 email transmission are hereby substituted for the earlier version of Exhibit 68C, and received into evidence.

Exhibit 196-C

MCI provided this exhibit, representing Ms. Murray’s supplemental workpapers. Verizon expressed no objection to the Verizon workpapers contained on the CD being admitted. The CD contains also SBC workpapers. This exhibit is received into evidence.

Exhibit 201-C

MCI offered into evidence as Exhibit 201C, a document in redacted form of SBC’s explanation of the logic or screens it used to ensure mass market data were valid and not duplicative. SBC objected. SBC argues that the redacted form of the response offered by MCI is incomplete and misleading. Accordingly, SBC

offers what is characterizes as a complete version, either as replacement for Exhibit 201C (to which SBC objects), or as an additional exhibit.

MCI believes the original exhibit version, provided in response to MCI counsel's record request, provides a complete explanation of the process. MCI argues that SBC's response goes far beyond the scope of MCI's record request, and thus opposes the admission of the SBC alternative version. MCI believes that the original Exhibit 201C should be admitted as it stands. The Pure UNE-P CLEC Coalition also opposes admission of the expanded version of Exhibit 201C that SBC wishes to have admitted, either as a substitute to MCI's Exhibit 201C or as a separate exhibit.

It is ruled that the original MCI version of Exhibit 201C is hereby received into evidence, with MCI's redaction of SBC's response. The exhibit is thereby limited to the information that MCI counsel requested, *i.e.*, the machine logic or other formula that SBC used to ensure that CAB's duplication of customer names and addresses did not result in the appearance of more eligible loop appearances than, in fact, exist. The alternative exhibit version offered by SBC is not received. Since the alternative SBC version exceeded the scope of the record request that served as the basis for the exhibit, there is no valid basis upon which to receive the SBC alternative version into evidence.

Exhibit 195-C

Revised Results of Murray Screening Analysis – SBC CA MSA and MSA/Density Zone and Wire Center Levels. This exhibit is received into evidence.

Exhibit 197-C

Revised Results of Murray Screening Analysis – Verizon CA MSA and MSA/Density Zone and Wire Center Levels. This exhibit is received into evidence.

Exhibit 199-C

Verizon response to the MCI record request concerning how Verizon allocated 911 listings to different wire centers.

This document was moved into evidence on February 27th, with the proviso that Verizon would advise further whether this document should be labeled as confidential. By email communication on March 1, 2004, Verizon identified the document as proprietary and asked that it be labeled as Exhibit 199-C. This previously admitted exhibit shall accordingly be labeled as Exhibit 199-C, and treated as confidential.

Exhibit 200 – Verizon California Batch Hot Cut Activity Survey Instructions and Questionnaires

This document was provided by MCI by paper copy and email on March 1 as Exhibit 200 (which exhibit number had been previously reserved). This document contains Verizon Responses to AT&T Record Request made February 2, 2004 (*see* Transcript at 8616-8617.) This is a public exhibit. Only names, phone and fax numbers have been removed where indicated. Though the questionnaire forms are designated proprietary MCI has been advised by Ms. Duncan, counsel for Verizon, that this is not the case for the blank Forms. This exhibit is received into evidence.

Exhibit 204-C

Verizon submitted a copy of the document for which Exhibit 204-C was previously reserved at Tr. P. 10840. This document provides the one-page MSA-level detail previously included as Attachment 2 to Mr. Fulp's reply

testimony dated January 16, 2004, and the underlying wire center-level detail. Verizon indicates that this information was previously served on parties pursuant to the protective order in this case. This exhibit is received into evidence.

IT IS RULED that:

1. Parties are directed to prepare their briefs using the format set forth in the approved common briefing outline, as attached to this ruling.
2. Opening briefs shall be due on March 26, 2004, and reply briefs shall be due on April 14, 2004.
3. Parties were to submit by March 15, 2004, a preliminary list of issues/questions that they believe should be included in a jointly sponsored Issue Comparison Exhibit (ICE).
4. The final ICE, setting forth each party's position on each identified issue, together with applicable record references for further elaboration shall be due on April 1, 2004.
5. The post-hearing exhibits, as identified and discussed above, are hereby received into evidence to the extent and in the form as so indicated.

Dated March 16, 2004, at San Francisco, California.

/s/ Thomas R. Pulsifer

Thomas R. Pulsifer
Administrative Law Judge

Attachment
Approved Common Briefing Outline

I. Introduction

II. Mass Market Switching

A. Market Definition

- i. Standard*
- ii. SBC*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*
- iii. Verizon*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*

B. DS0 Cutover

- i. Standard*
- ii. SBC*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*
- iii. Verizon*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*

C. Self-Provisioning Trigger

- i. Standard*
- ii. SBC*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*
- iii. Verizon*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*

III. Batch/Hot Cut Process

ILEC Systems and Processes

- i. Standard*
- ii. SBC*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*
- iii. Verizon*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*

A. CLEC Systems and Processes

- i. Standard*
- ii. SBC*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*

- iii. Verizon
 - a. Evidence/Analysis
 - b. Conclusion/Recommendation

B. Performance Measures and Testing for Batch/Hot Cuts

- i. Standard
- ii. SBC
 - a. Evidence/Analysis
 - b. Conclusion/Recommendation
- iii. Verizon
 - a. Evidence/Analysis
 - b. Conclusion/Recommendation

C. Batch/Hot Cut Costing and Pricing

- i. Standard
- ii. SBC
 - a. Evidence/Analysis
 - b. Conclusion/Recommendation
- iii. Verizon
 - a. Evidence/Analysis
 - b. Conclusion/Recommendation

IV. Loop

Self-Provisioning Trigger

- i. Standard
- ii. SBC
 - a. Evidence/Analysis
 - b. Conclusion/Recommendation
- iii. Verizon
 - a. Evidence/Analysis
 - b. Conclusion/Recommendation

Wholesale Trigger

- i. Standard
- ii. SBC
 - a. Evidence/Analysis
 - b. Conclusion/Recommendation
- iii. Verizon
 - a. Evidence/Analysis
 - b. Conclusion/Recommendation

Potential Deployment

- i. Standard
- ii. SBC
 - a. Evidence/Analysis
 - b. Conclusion/Recommendation

V. Transport

A. Self-Provisioning Trigger

- i. Standard*
- ii. SBC*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*
- iii. Verizon*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*

Wholesale Trigger

- i. Standard*
- ii. SBC*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*
- iii. Verizon*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*

Potential Deployment

- i. Standard*
- ii. SBC*
 - a. Evidence/Analysis*
 - b. Conclusion/Recommendation*

VI. Procedural Issues (Future Processes)

VII. Conclusion

CERTIFICATE OF SERVICE

I certify that I have by mail and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Post-Hearing Schedule on all parties of record in this proceeding or their attorneys of record.

Dated March 16, 2004, at San Francisco, California.

/s/ Antonina V. Swansen
Antonina V. Swansen

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, *e.g.*, sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.